

*Laydon v. Mizuho Bank, Ltd., et al.*, 12-cv-3419 (GBD)

## APPENDIX A

## Page Cites for Defendants' Arguments

Plaintiff's Responses by Argument	Issue	<i>Def. Antitrust Br.</i>	<i>Def. CEA Br.</i>	<i>Self-Styled "No-Allegations Banks" Supp. Br.<sup>1</sup></i>	<i>TIBOR-Only Supp. Br.<sup>2</sup></i>	<i>LIBOR-Only Supp. Br.<sup>3</sup></i>	<i>Mizuho TIBOR-Only Supp. Br.<sup>4</sup></i>	<i>RBS Supp. Br.</i>	<i>Bank of Tokyo Supp. Br.</i>	<i>Mitsubishi UFJ Supp. Br.</i>	<i>UBS Supp. Br.</i>	<i>Barclays Supp. Br.</i>	<i>ICAP Supp. Br.</i>	<i>RP Martin Supp. Br.</i>
		Dkt. No. 206	Dkt. No. 205	Dkt. No. 211	Dkt. No. 208	Dkt. No. 210	Dkt. No. 213	Dkt. No. 212	Dkt. No. 217	Dkt. No. 218	Dkt. No. 221	Dkt. No. 209	Dkt. No. 214	Dkt. No. 220
	CEA Pleading Standard <b>I.A</b>		7-8, 21-22											6-9, 13
	Antitrust Pleading Standard <b>XII</b>	35-37												
	Pleading Standard: Rule 9(b) <b>I.A</b>		7-8, 21	6							12, 14		6-7	6-9, 13
	Group Pleading <b>I.A, III.B</b>			5-6	14			3					5-7, 9, 14	<i>Passim</i>

<sup>1</sup> The self-styled "No-Allegations Banks" are Mizuho Bank, Ltd.; Mizuho Trust & Banking Co., Ltd.; Mizuho Corporate Bank, Ltd.; The Norinchukin Bank; Sumitomo Mitsui Banking Corporation, and Société Générale. The Bank of Tokyo-Mitsubishi UFJ, Ltd. (Dkt. No. 217) joins the arguments of the self-styled "No-Allegations Banks."

<sup>2</sup> The "TIBOR-Only Banks" are The Bank of Yokohama, Ltd.; Resona Bank, Ltd.; Shinkin Central Bank; The Shoko Chukin Bank, Ltd.; and Sumitomo Mitsui Trust Bank, Ltd. Defendant Mitsubishi UFJ Trust and Banking Corporation joins the arguments of the TIBOR-Only Banks. Dkt. No. 218. Defendants Mizuho Bank, Ltd. and Mizuho Trust & Banking, Co., Ltd. also join the arguments of the TIBOR-Only Banks. Dkt. No. 213.

<sup>3</sup> The "LIBOR-Only Banks" are Société Générale; Coöperatieve Centrale Raiffeisen-Boerenleenbank B.A.; Barclays Bank PLC; HSBC Holdings plc; and HSBC Bank plc.

<sup>4</sup> The "Mizuho TIBOR-Only Banks" are Mizuho Bank, Ltd. and Mizuho Trust & Banking, Co., Ltd. The "Mizuho TIBOR-Only Banks" join the arguments of the "TIBOR-ONLY Banks" (Dkt. No. 208) in their entirety.

## APPENDIX A

## Page Cites for Defendants' Arguments

Issue	<i>Def. Antitrust Br.</i>	<i>Def. CEA Br.</i>	<i>Self-Styled "No-Allegations Banks" Supp. Br.<sup>1</sup></i>	<i>TIBOR-Only Supp. Br.<sup>2</sup></i>	<i>LIBOR-Only Supp. Br.<sup>3</sup></i>	<i>Mizuho TIBOR-Only Supp. Br.<sup>4</sup></i>	<i>RBS Supp. Br.</i>	<i>Bank of Tokyo Supp. Br.</i>	<i>Mitsubishi UFJ Supp. Br.</i>	<i>UBS Supp. Br.</i>	<i>Barclays Supp. Br.</i>	<i>ICAP Supp. Br.</i>	<i>RP Martin Supp. Br.</i>
	Dkt. No. 206	Dkt. No. 205	Dkt. No. 211	Dkt. No. 208	Dkt. No. 210	Dkt. No. 213	Dkt. No. 212	Dkt. No. 217	Dkt. No. 218	Dkt. No. 221	Dkt. No. 209	Dkt. No. 214	Dkt. No. 220
CEA Standing <b>II</b>		4-5, 8-10		11 (FN 6)						11			
CEA: Morrison <b>II.E</b>		10 (FN 8); 22 (FN 18)								11			
CEA Causation <b>III.C</b>		5-6, 12-21		6-10								10	10
Euroyen TIBOR and Yen-LIBOR Are Interconnected <b>III.C</b>	4-5, 41-42	14-17, 19-20, 22-26		5	2-3		2-3			3-4, 5 (FN 8), 11 (FN 14) 15		3 (FN 3), 8	2, 4, 6, 10-12

## APPENDIX A

## Page Cites for Defendants' Arguments

	Issue	<i>Def. Antitrust Br.</i>	<i>Def. CEA Br.</i>	<i>Self-Styled "No-Allegations Banks" Supp. Br.<sup>1</sup></i>	<i>TIBOR-Only Supp. Br.<sup>2</sup></i>	<i>LIBOR-Only Supp. Br.<sup>3</sup></i>	<i>Mizuho TIBOR-Only Supp. Br.<sup>4</sup></i>	<i>RBS Supp. Br.</i>	<i>Bank of Tokyo Supp. Br.</i>	<i>Mitsubishi UFJ Supp. Br.</i>	<i>UBS Supp. Br.</i>	<i>Barclays Supp. Br.</i>	<i>ICAP Supp. Br.</i>	<i>RP Martin Supp. Br.</i>
		Dkt. No. 206	Dkt. No. 205	Dkt. No. 211	Dkt. No. 208	Dkt. No. 210	Dkt. No. 213	Dkt. No. 212	Dkt. No. 217	Dkt. No. 218	Dkt. No. 221	Dkt. No. 209	Dkt. No. 214	Dkt. No. 220
Plaintiff's Responses by Argument	CEA: Link Between Yen-LIBOR Submissions and the Prices of Euroyen TIBOR Futures Contracts <b>III.C</b>		17-18			2								10
	Economic Causation Allegations <b>III.C</b>		19-20	2-3, 12-13	7-9	3		3-4						
	CEA: Loss Causation and Actual Damages <b>III.D</b>		20-21											
	CEA: Specific Intent <b>III.B</b>		11 (FN 10); 21-27	6	10-13						9-14		7-9	10

## APPENDIX A

## Page Cites for Defendants' Arguments

	Issue	<i>Def. Antitrust Br.</i>	<i>Def. CEA Br.</i>	<i>Self-Styled "No-Allegations Banks" Supp. Br.<sup>1</sup></i>	<i>TIBOR-Only Supp. Br.<sup>2</sup></i>	<i>LIBOR-Only Supp. Br.<sup>3</sup></i>	<i>Mizuho TIBOR-Only Supp. Br.<sup>4</sup></i>	<i>RBS Supp. Br.</i>	<i>Bank of Tokyo Supp. Br.</i>	<i>Mitsubishi UFJ Supp. Br.</i>	<i>UBS Supp. Br.</i>	<i>Barclays Supp. Br.</i>	<i>ICAP Supp. Br.</i>	<i>RP Martin Supp. Br.</i>
		Dkt. No. 206	Dkt. No. 205	Dkt. No. 211	Dkt. No. 208	Dkt. No. 210	Dkt. No. 213	Dkt. No. 212	Dkt. No. 217	Dkt. No. 218	Dkt. No. 221	Dkt. No. 209	Dkt. No. 214	Dkt. No. 220
Plaintiff's Responses by Argument	CEA: Aiding and Abetting <b>IV</b>		6, 28-29								14-15		10-12	12-13
	CEA: Vicarious Liability <b>IV</b>		6, 28-29											
	Antitrust Standing: Antitrust Injury <sup>5</sup> <b>V.A</b>	1-3, 18-23												
	Antitrust Standing: <i>AGC</i> Factors <b>V.B</b>	3, 23-29											12-13	

<sup>5</sup> UBS and RBS do not support Defendants' argument.

## APPENDIX A

## Page Cites for Defendants' Arguments

	Issue	<i>Def. Antitrust Br.</i>	<i>Def. CEA Br.</i>	<i>"Self-Styled No-Allegations Banks" Supp. Br.</i>	<i>TIBOR-Only Supp. Br.</i>	<i>LIBOR-Only Supp. Br.</i>	<i>Mizuho TIBOR-Only Supp. Br.</i>	<i>RBS Supp. Br.</i>	<i>Bank of Tokyo Supp. Br.</i>	<i>Mitsubishi UFJ Supp. Br.</i>	<i>UBS Supp. Br.</i>	<i>Barclays Supp. Br.</i>	<i>ICAP Supp. Br.</i>	<i>RP Martin Supp. Br.</i>
		Dkt. No. 206	Dkt. No. 205	Dkt. No. 211	Dkt. No. 208	Dkt. No. 210	Dkt. No. 213	Dkt. No. 212	Dkt. No. 217	Dkt. No. 218	Dkt. No. 221	Dkt. No. 209	Dkt. No. 214	Dkt. No. 220
Plaintiff's Responses by Argument	Antitrust: Combination, Contract, Agreement <b>XII</b>	4, 35-54			14-15								13-14	14-15
	Antitrust: Restraint of Trade <sup>6</sup> <b>VI</b>	3, 30-31			14-15									
	Antitrust: FTAIA <sup>7</sup> <b>VII</b>	4, 31-35												
	Antitrust: Direct Evidence of Conspiracy <b>XII.B</b>	16, 41-42, 54												

<sup>6</sup> UBS and RBS do not support Defendants' argument. Barclays also appears to not support this argument.

<sup>7</sup> UBS and RBS do not support Defendants' argument.

## APPENDIX A

## Page Cites for Defendants' Arguments

Plaintiff's Responses by Argument	Issue	<i>Def. Antitrust Br.</i>	<i>Def. CEA Br.</i>	<i>"Self-Styled No-Allegations Banks" Supp. Br.</i>	<i>TIBOR-Only Supp. Br.</i>	<i>LIBOR-Only Supp. Br.</i>	<i>Mizuho TIBOR-Only Supp. Br.</i>	<i>RBS Supp. Br.</i>	<i>Bank of Tokyo Supp. Br.</i>	<i>Mitsubishi UFJ Supp. Br.</i>	<i>UBS Supp. Br.</i>	<i>Barclays Supp. Br.</i>	<i>ICAP Supp. Br.</i>	<i>RP Martin Supp. Br.</i>
		Dkt. No. 206	Dkt. No. 205	Dkt. No. 211	Dkt. No. 208	Dkt. No. 210	Dkt. No. 213	Dkt. No. 212	Dkt. No. 217	Dkt. No. 218	Dkt. No. 221	Dkt. No. 209	Dkt. No. 214	Dkt. No. 220
	Plus Factors: Economic Analyses <b>XII.C, III.C</b>	15-16, 47-54		12-13	16-17									
	Plus Factors: Membership on Panel/ Oligopoly in Rate-Setting <b>XII.C.5</b>	16, 53-54		10	17-18									
	Plus Factors: Settlements, Fines, Guilty Pleas, Ongoing Government Investigations <b>XII.C.3</b>	45-46, 54		11-12	18 (FN 10)			3			3 (FN 6)			11 (CEA)
	Employee Firings/Suspensions <b>XII.C</b>								1-3					

## APPENDIX A

## Page Cites for Defendants' Arguments

Plaintiff's Responses by Argument	Issue	<i>Def. Antitrust Br.</i>	<i>Def. CEA Br.</i>	<i>"Self-Styled No-Allegations Banks" Supp. Br.</i>	<i>TIBOR-Only Supp. Br.</i>	<i>LIBOR-Only Supp. Br.</i>	<i>Mizuho TIBOR-Only Supp. Br.</i>	<i>RBS Supp. Br.</i>	<i>Bank of Tokyo Supp. Br.</i>	<i>Mitsubishi UFJ Supp. Br.</i>	<i>UBS Supp. Br.</i>	<i>Barclays Supp. Br.</i>	<i>ICAP Supp. Br.</i>	<i>RP Martin Supp. Br.</i>
		Dkt. No. 206	Dkt. No. 205	Dkt. No. 211	Dkt. No. 208	Dkt. No. 210	Dkt. No. 213	Dkt. No. 212	Dkt. No. 217	Dkt. No. 218	Dkt. No. 221	Dkt. No. 209	Dkt. No. 214	Dkt. No. 220
	Sherman Act: Conduct Frequency <b>XII</b>	11, 42, 54						1, 5			4-8			
	Interdealer Brokers Participation in the Conspiracy <b>III.B, XII</b>			7-9	9-10, 13, 17								7 (FN 5)	
	No Specific Allegations <b>III.B</b>			2-3, 12									P 5	P 1, 5, 12-13
	Unjust Enrichment <b>XIII</b>	5, 55-56			19-20	2 (FN 4), 3							12 (FN 7)	
	Rule 12(f) <b>I.A.3</b>										4 (FN 7)			11